## REMARKS/ARGUMENTS

This letter is responsive to the office action dated October 28, 2009. Claims 1-9, 14-22, 25-34, 39-47 and 50-60, are in the case.

## Claim Amendments

To expedite prosecution of the application, and without prejudice, claim 1 is currently amended to recite features of embodiments as illustrated in Figure 6 of the drawings. Specifically, the claim now recites "[a] system for pre-selecting a candidate folder"; "a processor" of the electronic communication device; "a folder pre-selection cache having n configurable entries [...] each configurable entry being configurable based on how a message is filed"; "user-interface means [...] for displaying the current message and the candidate folder before the message is filed" and "cache-updating means [...] operable, for each message in the up to n messages, to update the folder pre-selection cache based on how the message is filed". Support may be found, for example, at blocks 108-112, 116 of Figure 6, and at paragraphs [0003], [0004] and [0040] of the description.

Specifically, support for "candidate folder" may be found, for example, at paragraph [0003]. Support for the term "processor" may be found, for example, at claim 54 as originally filed, which recites a computer system. Support for "each configurable entry being configurable based on how a message is filed" and "update the folder pre-selection cache based on how the message is filed" may be found, for example, at paragraphs [0004] and [0040] and Figure 6.

Similar amendments are made to corresponding independent claims 22, 29, 47, 54 and 55. No new matter is added.

Claims 1-9, 14-22, 25-34, 39-47 and 50-60 are in the application. Claims 1, 22, 29, 47, 54 and 55 are independent.

## Background

In messaging systems, specific messages are usually saved within a particular folder, such that all of the messages saved within that folder are alike in relevant respects. To select the correct folder, a user must typically sort through a number of folders, identify the correct folder, and then allocate the message to this folder. The Applicants have realized that it would be advantageous to have a pre-select function that selects a **candidate** for a folder to which to allocate the message. Subsequently, the user could either approve the selection, or follow the above-described procedure to select another folder. If the pre-selected folder is frequently correct, then the pre-select function makes the messaging system more user friendly and efficient.

The Applicants further realized that it would be advantageous to pre-select a folder for a current message based on how existing messages have been stored. However, this approach could be impractical in some cases, due to limitations imposed by processing speed, network bandwidth, memory and other factors. Accordingly, the Applicants further realized that it would be advantageous to provide a folder pre-select system that consumes relatively few resources.

## 35 U.S.C. 103(a) – Obviousness

The Examiner has rejected claims 1-9, 14-22, 25-34, 39-47 and 50-60 under 35 U.S.C. 103(a) as being unpatentable over Chung (U.S. Publication No. 2004/0117451 A1), in view of Milovanovic (U.S. Pulbication No. 2003/0065728), and further in view of Entwhistle (U.S. Patent Publication No. 2002/0040370).

At page 3 of the office action, the Examiner takes the position that Chung discloses "a folder pre-selection cache" substantially as recited in claim 1.

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The Applicants note that claim 1 is currently amended to recite a folder pre-selection cache [...] having n configurable entries, [...] each configurable entry being configurable <u>based on how a message is filed</u> to record an associated pre-selection criterion, derived <u>by the processor</u> from the message to distinguish the message, for matching with the current message, and an associated folder identification for identifying an associated folder in the plurality of folders.

In contrast, Chung teaches that the assignment of keywords to a folder occurs before a message is received and thus independently of any message being received. For example, at para. [0124], Chung describes a "code set" of prearranged rules or codes, "which are instructions for the receiving email server or program to take 'certain actions' or treatment for the email". Chung describes the "certain actions" as "any action that [has] been prearranged or pre-determined among senders or receivers. Elsewhere, at paras. [0159] and 0160], Chung descrbes that "[a]n application on recipient's email server checks the mail for **pre-defined** identifiers" and "[i]f the email has no predefined identifiers, the email will be delivered normally." Accordingly, since the system of Chung requires **prearrangement** between sender and receiver, it follows that Chung fails to describe a folder pre-selection cache [...] having n configurable entries [...] each configurable entry being **configurable based on how a message is filed** to record an associated pre-selection criterion.

The Applicants also note that Chung appears to require human involvement (i.e., by the "senders and receivers") to prearrange the predefined identifiers. In contrast, amended claim 1 recites the associated pre-selection criterion **derived by the processor** (of the electronic communication device).

At page 22 of the office action, the Examiner takes the position that Milovanovic also discloses a folder pre-selection cache with n configurable entries which emails are automatically placed into if they have certain identifiers related to the folder. This position is respectfully traversed.

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Milovanovic appears to describe a system in which file folders are **directly** assigned "people names" and keywords. For example, at para. [0014]: "The first step 101 is to set up file folders [...] by assigning people names, such as "Bob Smith" **to folders #2 and #3** [...]." "The step 101 is also for assigning keywords **to a folder** [...]". In other words, Milovanovic does not describe a distinct "cache" and instead appears to teach assigning keywords to the destination folders directly. Accordingly, Milovanovic fails to describe a folder pre-selection **cache having n configurable entries**, each configurable entry being configurable to record an associated pre-selection criterion [...] and an associated folder identification for identifying an associated folder in the plurality of folders.

Furthermore, Milovanovic fails to disclose that the associated pre-selection criterion is "derived from the message to distinguish the message". Rather, Milovanovic merely teaches that "people names" and keywords such as "Patents" may be applied to folders (see para. [0014]). It is submitted that there is no explicit teaching that the people names or keywords are **derived from the message**. Moreover, and to the contrary, Milovanovic explicitly describes:

> When setting up the e-mail and/or file system folder, or at any time later on, **the e-mail user** assigns one or more person's names [...] to a folder. (para. [0014], emphasis added)

Accordingly, to the extent that Milovanovic does appear to describe choosing and assigning keywords, it is clear that these are simply chosen by a human user and not "derived" from the message. In contrast, amended claim 1 explicitly recites "configurable entries, [...] each configurable entry being configurable **based on how a message is filed** to record an associated pre-selection criterion, derived **by the processor from the message** to distinguish the message".

At pages 3-4 of the office action, the Examiner takes the position that Chung discloses a "user-interface means" substantially as recited in claim 1. The Examiner cites Figure 10 E of Chung in support.

Figure 10 E of Chung appears to show an e-mail application user interface, in which a folder containing **previously-filed** e-mails is displayed to the user. This is consistent with the teachings of Chung noted above.

In contrast, claim 1 is currently amended to recite user-interface means for displaying the current message and the <u>candidate</u> folder <u>before the message is filed</u>. Since Chung teaches allocating messages automatically based on pre-defined identifiers, it follows that there is no opportunity under Chung to display both the current message and candidate folder (for the current message, as defined earlier in the claim) **before the message is filed**. Accordingly, Chung also fails to describe this element.

At page 5 of the office action, the Examiner again takes the position that Entwhistle describes cache-updating means [...] for updating the folder pre-selection cache [...] and the associated folder identification of the corresponding entry identifies a user-selected folder previously selected for the message. The Examiner cites paras. [0007] to [0017] and [0022] to [0028] of Entwhistle in support. This position is respectfully traversed.

The Applicants have previously submitted in the Responses dated January 28, 2009 and July 3, 2009 that Entwhistle fails to disclose "the folder pre-selection cache includes a corresponding configurable entry for each message in the up to n messages" and "the cache updating means is operable, for each message in the up to n messages, to update the folder pre-selection cache, by configuring the corresponding configurable entry in the folder pre-selection cache such that the associated pre-selection criterion is derived from the message, and the

associated folder identification of the corresponding entry identifies an associated user-selected folder previously selected for the message".

As the Examiner has yet to provide a rebuttal to the Applicants' previous arguments with respect to Entwhistle, the Applicants are at a loss to explain how Entwhistle discloses this element and cannot respond to the Examiner's rejection to advance prosecution.

The Applicants note that this particular element of the claim is currently amended for clarity and consistency of terms. Regardless, it is again submitted that Entwhistle fails to disclose "the folder pre-selection cache includes a corresponding configurable entry for each message in the up to n messages" and "the cache updating means is operable, for each message in the up to n messages, to update the folder pre-selection cache when the message is filed, by configuring the corresponding configurable entry in the folder pre-selection cache such that the associated pre-selection criterion is derived from the message, and the associated folder identification of the corresponding entry identifies an associated user-selected folder selected for the message".

Paragraphs [0022]-[0028] of Entwhistle merely provide an example of "storage locations [...] split into a series of folders, each having an identified attribute within that storage location such as, in the case of the 'companies' storage location, 'retailers', 'financial' and 'government'" (Entwhistle, paragraph [0021]). In other words, the cited paragraphs disclose an ordinary, folder-based e-mail filing system.

Although not specifically cited by the Examiner, Entwhistle elsewhere discloses a correlation database, wherein information extracted from headers of e-mails in the storage folders may be stored (see paragraph [0041]). The correlation database taught by Entwhistle appears to use statistical correlation, wherein statistically significant keywords are determined for use in correlating with

incoming messages. As such, the correlation database would not have a "configurable entry for each message"; rather, it contains aggregate data. Thus, even if the "correlation database" is taken to be a "folder pre-selection cache", since Entwhistle fails to disclose a "**corresponding configurable entry for each message** in the up to n messages", it follows that the cache updating means is not operable to update the folder preselection cache, by configuring the corresponding configurable entry in the folder pre-selection cache such that the associated pre-selection criterion is derived from the message [...]".

Furthermore, since the correlation database described by Entwhistle appears to lack "corresponding entries" for each message in the up to n messages, it follows that Entwhistle fails to describe the entries having associated folder identifications identifying a user-selected associated folder selected for the message.

Accordingly, for at least the reasons set out above, it is respectfully submitted that claim 1 is novel and non-obvious in view of the known art. Independent claims 22, 29, 47, 54 and 55 are analogous and therefore similarly allowable.

As the cited references fail to disclose or suggest all of the elements recited in the independent claims, for the reasons provided above, then combining elements from the references would not yield the subject matter of the rejected dependent claims, regardless of the extent of any teaching, suggestion or motivation. Withdrawal of the remaining rejections under 35 U.S.C. 103 is respectfully requested.

In view of the foregoing, reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

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Encl.